

EMERGENCY/DISASTER DECLARATIONS

Montana Disaster and Emergency Services (DES) developed this section to assist local governments with emergency or disaster declarations. The following material addresses declarations at the local, state and federal levels.

When submitting declaration requests it is important to note:

1. The state and federal programs referenced in this section are the ones most commonly activated, but are not the only sources of assistance. Before deciding which type of assistance to request, contact DES to determine the appropriate program; DES staff members are current on programs, eligibility requirements and guidelines.
2. All state and federal declaration requests must be sent to Montana DES as they are responsible for the coordination and processing of these documents on behalf of the Governor.

LOCAL DECLARATIONS

At the onset of any incident, the local jurisdiction should strongly consider declaring an emergency or disaster (see Attachments 1 & 2 for declaration resolution examples). A declaration early on activates the jurisdiction's Emergency Operations Plan and opens the door to additional authority not available otherwise (see Montana Code Annotated, MCA, 10-3-406). The local jurisdiction does not have to, but may, levy up to the 2 mils (MCA 10-3-405) during this process to cover incident expenses.

Care should be taken when drafting the declaration resolutions in specifying whether an emergency or disaster is being declared because state law defines the two terms differently and they are often confused and used interchangeably. The following definitions apply:

Emergency - the imminent threat of disaster causing immediate peril to life or property which timely action can avert or minimize.

Disaster - the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, or air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, or accidents involving radiation byproducts or other hazardous materials.

STATE DECLARATION - GOVERNOR'S EMERGENCY AND DISASTER FUND

On small-scale emergency or disaster situations that are beyond local government's capability, assistance may be available from the Governor's Emergency and Disaster Fund. The submission to DES requesting such assistance must include the following:

1. A copy of the local resolution declaring that an emergency or disaster exists, the situation is beyond their financial capability and that they have levied the two mil emergency levy (see Attachments 3 & 4 for declaration resolution examples).
2. A request to the Governor for a declaration using the format found in Attachment 5. The request must include a description of the situation, official action taken, damage estimates, identification of local resources available for response and the amount of financial assistance required, and must be submitted within 30 days of the event.

FEDERAL DECLARATIONS

Assistance is requested through a federal declaration when an emergency or disaster escalates beyond the capability of local and state resources. Three primary types of federal declarations exist:

Small Business Administration (SBA)

These programs are designed to aid individuals and businesses. SBA provides low interest loans through its physical and/or economic injury loan programs or under the economic dislocation program. These programs may be activated through an SBA, Secretary of Agriculture or Presidential declaration.

To activate assistance through an SBA declaration, the request submitted to DES should be in a format similar to the one in Attachment 6. The request must include basic information on the disaster and the effect on individuals and businesses. The local declaration resolution accompanying the request does not have to indicate that the 2 mils have been levied (see Attachments 1 & 2 for declaration resolution examples).

Secretary of Agriculture - Drought

A Secretarial disaster designation may be requested for damage to crops due to a variety of causes. This section addresses the appropriate process with regard to drought because it is the most common Secretarial designation. The Secretarial designation activates Farmer's Home Administration low

interest loans to producers affected by the drought and normally activates the SBA assistance programs mentioned earlier.

Attachment 7 is an example of the letter which must be submitted to DES by the commissioners to activate the process for obtaining a Secretarial drought designation; completion of the process may take up to six months. The commissioners are not required to include a local declaration resolution with their request letter and the 2 mills is not a consideration in this case. DES will coordinate the designation request on behalf of the commissioners. They will facilitate the Governor's request to the United States Department of Agriculture.

Attachment 8 is a flow-chart of the process involved in obtaining a drought designation from the Secretary of Agriculture.

Along with initiating the designation process, commissioners should strongly consider forming a Local Drought Advisory Committee. The purpose of the committee is to deal with local issues and try to mitigate the impact of the impending drought situation.

Presidential

Assistance under a Presidential declaration is activated according to Public Law 93-288 (as amended by PL 100-707, Stafford Act). Several types of assistance, including individual and public, may be available depending on the severity and magnitude of the situation.

Attachment 9 is an example of the request which must be submitted to DES by the commissioners requesting the declaration. The request should contain specifics on the severity or magnitude of the damage; number of people, homes, businesses, and facilities etc. that are affected and indicate that the local government has committed all available resources. The accompanying local declaration resolution does not have to, but may, include the levying of two mills (see Attachments 1 - 4 for resolution examples). If the two mills have not been levied, the levying may be required at a later date depending on the arrangements for matching funds.

MUNICIPAL DECLARATION RESOLUTION

RESOLUTION NO. _____

WHEREAS, (**type of occurrence: earthquake, flooding, winter storm etc.**)
has occurred or is anticipated within the City of (name of city) on or about (**date**
of occurrence or anticipated occurrence).

NOW, THEREFORE, BE IT RESOLVED by the City Council that an
(**emergency or disaster**) is hereby declared pursuant to Section 10-3-(**402** or **403**)
MCA and all provisions of the City Emergency Operations Plan are in effect.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the
City Clerk, County Assessor and the Montana Disaster and Emergency Services
Division in Helena.

PASSED AND ADOPTED by the (**name of city**) City Council this ____ day
of ____, 2____.

(SEAL)

ATTEST:

Mayor

Member

Member

City Clerk

COUNTY DECLARATION RESOLUTION

RESOLUTION NO. _____

WHEREAS, (type of occurrence: earthquake, flooding, winter storm etc.)
has occurred or is anticipated within the County of (name of county) on or about
(date of occurrence or anticipated occurrence).

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that
an (emergency or disaster) is hereby declared pursuant to Section 10-3-(402 or
403) MCA and all provisions of the County Emergency Operations Plan are in
effect.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the
County Clerk and Recorder, County Assessor and the Montana Disaster and
Emergency Services Division in Helena.

PASSED AND ADOPTED by the (name of county) Board of County
Commissioners this ____ day of _____, 2 ____.

(SEAL)

ATTEST:

Chairman

Commissioner

Commissioner

Clerk and Recorder

MUNICIPAL DECLARATION RESOLUTION

RESOLUTION NO. _____

WHEREAS, (type of occurrence: flooding, snowstorm, tornado etc.) has caused severe damage to (type of damage: streets, bridges, public buildings etc.) within the City on (date damage occurred or began); and

WHEREAS, restoration of these (services and/or facilities) is essential to ensure the health, safety and welfare of residents of the City; and

WHEREAS, the City has committed all available resources, taken all possible action to combat and to alleviate the situation and local resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the City Council that an (emergency or disaster) is hereby declared pursuant to Section 10-3-(402 or 403), MCA, because expenditures for repair and damaged facilities will be beyond the financial capability of the City.

BE IT FURTHER RESOLVED, that there shall be appropriated immediately to the Emergency Fund Number 2260 an amount equivalent to two (2) mills on the taxable valuation of the City pursuant to Section 10-3-405, MCA. Said two (2) mills will be levied during fiscal year (the next Fiscal Year) and be utilized for restoring services and repairing facilities damaged by the (type of occurrence: flooding, snowstorm, tornado, etc.).

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the City Clerk, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the (name of city) City Council this _____ day of _____, 2____.

(SEAL)

ATTEST:

Mayor

Member

Member

City Clerk

COUNTY DECLARATION RESOLUTION

RESOLUTION NO. _____

WHEREAS, (type of occurrence: flooding, snowstorm, tornado etc.) has caused severe damage to (type of damage: roads, bridges, public buildings etc.) within the County on (date damage occurred or began); and

WHEREAS, restoration of these (services and/or facilities) is essential to ensure the health, safety and welfare of residents of the County; and

WHEREAS, the County has committed all available resources, taken all possible action to combat and to alleviate the situation and local resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that an (emergency or disaster) is hereby declared pursuant to Section 10-3-(402 or 403), MCA, because expenditures for repair and damaged facilities will be beyond the financial capability of the County.

BE IT FURTHER RESOLVED, that there shall be appropriated immediately to the Emergency Fund Number 2260 an amount equivalent to two (2) mills on the taxable valuation of the County outside the incorporated municipalities, pursuant to Section 10-3-405, MCA. Said two (2) mills will be levied during fiscal year (the next Fiscal Year) and be utilized for restoring services and repairing facilities damaged by the (type of occurrence: flooding, snowstorm, tornado, etc.).

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the County Clerk and Recorder, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the (name of county) Board of County Commissioners this ____ day of _____, 2____.

Chairman

(SEAL)

Commissioner

ATTEST:

Commissioner

Clerk and Recorder

ATTACHMENT 5 [\["Click Here" for Word Version\]](#)

LOCAL DECLARATION REQUEST TO GOVERNOR

(Type on the requesting jurisdiction Letterhead)

Date:

The Honorable _____
Governor of Montana
State Capitol
Helena, Montana 59620

Dear Governor _____:

Pursuant to our authority as _____ of _____, Montana, we request that an **emergency/disaster** be declared immediately to provide supplemental disaster relief in accordance with the provisions of Title 10, Chapter 3, Section 311, MCA.

1. SITUATION

A. Date and description of conditions causing emergency/disaster:

Beginning May 15, 1985, heavy rain began falling with 6" recorded by May 20, 1985. The rain, warming temperatures and rapid snowmelt in the higher elevations caused rivers and streams to leave their channels and flood adjacent lowland areas.

B. Description of damages to public sector: (If appropriate.)

Preliminary damage assessments indicate widespread damage to county roads. An estimated 25 county roads are impassable due to flood damage. Three rural communities are completely isolated at this time and two others are accessible only through long detours.

C. Description of damages to private sector:

Farm and ranch damages are extensive, with livestock losses especially heavy. It is estimated that 100 farm or ranch families are isolated because of loss of road access. In addition to damage in the communities of Brownsville, Golden, Brockport, Park City and Willis, 125 families were evacuated.

D. Description of economic impact:

Immediate economic impact is apparent; a major employer, M&M Manufacturing that employs 250 people at their plant in Brownsville, has ceased operations since supply and delivery problems, as well as employee absenteeism, preclude normal operations. The company anticipates return to full production in 30-40 days.

2. OFFICIAL ACTION

A. A local (**emergency/disaster**) has been declared and the emergency two (2) mill levy authorized by Section 10-3-405, MCA, has been levied. A copy of the signed resolution is attached.

B. Other actions taken.

The local health officer has issued a boil order for all drinking water due to possible contamination. Also, the sheriff's posse was activated and they assisted in the evacuation of Willis.

3. DAMAGE ESTIMATES

A. Debris Clearance	\$ 5,000.00
B. Protective Measures	\$ 2,500.00
C. Road Systems	\$ 62,500.00
D. Water Control Facilities	\$
E. Public Buildings and Related Equipment	\$
F. Public Utilities	\$
G. Public Facilities Under Construction	\$
H. Other Damages (Not in above categories)	\$
TOTAL ESTIMATED DAMAGES:	\$ 70,000.00

4. LOCAL RESOURCES

Names of Funds Involved: (Road Fund)

Cash balance in Disaster Fund as of June 30, 2_____ \$ 687.00

Estimated value of 2 mill emergency levy \$ 24,848.00

ESTIMATED FINANCIAL RESOURCES AVAILABLE: \$ 25,535.00

5. ASSISTANCE REQUIRED

ESTIMATED STATE ASSISTANCE REQUESTED: \$ 44,465.00

(Title of Board or Council)

By: _____
(Chairman or Mayor)

(Member) _____

(Member) _____

(SEAL) _____

ATTEST: _____ (Clerk and Recorder or City Clerk)

cc: Administrator
Montana Disaster & Emergency Services
P.O. Box 4789
Fort Harrison, MT 59636-4789

ATTACHMENT 6 [\["Click Here" for Word Version\]](#)

SMALL BUSINESS ADMINISTRATION REQUEST

(TYPE THIS LETTER ON COUNTY or CITY LETTERHEAD)

(Date)

The Honorable _____
Governor of Montana
State Capitol
Helena, MT 59620

Dear Governor _____:

On (**date damage occurred**) a (**type of occurrence: fire, snowstorm, flood etc.**) caused extensive (**economic or physical**) damage to (**description of city or county**). Many of these (**individuals or business firms**) would like to (**rebuild or re-establish**), but need additional financial assistance to do so.

We are therefore asking you to request that the Small Business Administration declare (**city or county**) a disaster area and make its program available to the victims of this disaster.

Official – City or County

Official

Official

PLEASE FORWARD A COPY TO MT DES

cc: Administrator
Montana Disaster and Emergency Services Division
P.O. Box 4789
Fort Harrison, Montana 59636-4789

ATTACHMENT 7 [\["Click Here" for Word Version\]](#)

DROUGHT DESIGNATION REQUEST

(Make sure you forward a copy of this document to MT DES immediately.)

(Date)

The Honorable _____
Governor of Montana
State Capitol
Helena, MT 59620

Dear Governor _____:

_____ County is experiencing severe drought conditions. These conditions have created a negative impact on the local economy, mainly livestock and crop production.

The _____ County Commissioners respectfully request your initiate the process for obtaining a drought disaster designation from the Secretary of Agriculture.

Thanking you in advance for your assistance concerning this matter.

BOARD OF _____ COUNTY COMMISSIONERS

cc: Administrator
Montana Disaster and Emergency Services Division
P.O. Box 4789
Fort Harrison, Montana 59636-4789

EMERGENCY OR MAJOR DISASTER DECLARATION REQUEST

(Make sure you forward a copy of this document to MT DES immediately.)

The Honorable _____
Governor of Montana
State Capitol
Helena, Montana 59620

Dear Governor _____:

On May 5, 1985, heavy rain began falling with six inches of rain recorded by May 20, 1985. The rain and accompanying warming temperatures, combined with rapid snowmelt in the higher elevations, caused rivers and streams to leave their channels and cause widespread flooding in the county.

Flooding has caused extensive damage to public and private property throughout the county. Over 125 families are homeless and sheltered in public and private facilities, 30 businesses have sustained damage, agricultural losses are extensive and public facilities have sustained major damage.

Local emergency and disaster plans have been activated; county funds, personnel and resources have been committed to disaster operations and a state of disaster has been declared.

Based on preliminary damage assessments for both private and public sectors, we believe that the disaster is of such magnitude that local and state resources will not be capable of effectively alleviating the situation. Therefore, we ask that you submit a request to the President to declare that an emergency or disaster exists for this county under provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 100-707.

(Chairman or Mayor)

Member

Member

cc: Administrator
Montana Disaster and Emergency Services Division
P.O. Box 4789
Fort Harrison, Montana 59636-4789